

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 15, 16, 19, 21, 24, 25, and 28 are pending in the application, with claims 15, 21, and 25 being the independent claims. Claims 1-14, 17, 18, 20, 22, 23, 26, and 27 were previously cancelled. Claim 25 is currently amended. This change is believed to introduce no new matter, and its entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Allowed Claims

Applicants acknowledge with gratitude the Examiner's allowance of claims 15, 16, 19, 21, and 24.

Rejections under 35 U.S.C. § 101

Claims 25 and 28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Independent claim 25 has been amended to recite "tangible computer useable medium." Independent claim 25, as amended, and claim 28, which depends therefrom, are directed to a tangible computer useable medium such as a computer disk. In 1995, the Commissioner of Patents and Trademarks conceded to the U.S. Court of Appeals for

the Federal Circuit “that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101” *See In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Independent claim 25, as amended, and claim 28, which depends therefrom, fall within what the Commissioner of Patents and Trademarks conceded was patentable subject matter. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Amdt. dated Jun. 28, 2007 - 8 -
Reply to Office Action of December 28, 2006

COOPER *et al.*
Appl. No. 10/758,282

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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